

MCLUAC (Middle Canyon Land Use Advisory Committee)
Minutes from November 23, 2020 meeting

Call to Order: 7:06pm

Committee Members:

- Terry Divoky 12/31/20
- Aubrie Lorona 12/31/22
- Sharon Demeester 12/31/21 (called in)

- Mark Mussman, Director Flathead County Planning and Zoning

Approval of revised Agenda sent via email by Terry on 11/23/20

- Sharon motioned to approve the revised agenda. Aubrie seconded. Motion passed unanimously.

Approval of August 25, 2020 minutes as amended

- Sharon motioned to approve the August 25, 2020 minutes. Aubrie seconded. Motion passed unanimously.

Approval of October 27, 2020 minutes

- Sharon motioned to approve the October 27, 2020 minutes with the amendment to her comment regarding Pursuit and other large property owners. Aubrie seconded. Motion passed unanimously

Old Business

- Work Camp Text Amendment – scheduled for December 9th in front of the planning board
 - Based on the feedback from the October meeting, the following edits were incorporated into the draft text amendment:
 - Addition of adjacent owner notification requirement as part of performance standard #1
 - Addition of performance standards 11 and 12 to address wildfire mitigation
 - Written comments on the revised text were received from Mayre Flowers (Citizens for a Better Flathead) on numerous topics and FWP regarding wildlife attractants and setbacks
 - Mayre Flowers, Sharon Demeester and Steve Frye commented on the work camp definition. Mayre asked to clarify that these work camps are in the Middle Canyon. Sharon expressed concern at having “camping spaces” as part of the definition because she does not think tents are safe and was worried about employees bringing food back to their tents. This was followed by a discussion where most of the group agreed that prohibiting tents or camping would make work camps infeasible for many employers. Steve asked to make employer plural so as not to exclude two or more employers working together on a joint work camp. The group agreed on the following definition for work camp:
 - A parcel of land on which housing is provided by employer(s) doing business or having a business interest within the boundaries of the Middle Canyon Area as defined in Section 7.17(A) for two or more individuals or families living separately, for the exclusive use of the employees of the employer. Housing may include camping spaces, trailer parking spaces, mobile, modular, or other permanent structures, and includes any associated water supply and distribution system, sewage collection and disposal system, solid waste collection and disposal system.
 - In response to some concern about the comprehensiveness of performance standard # 10 with respect to what is bear proofed, the group agreed to insert the following performance standard right after #10: “All food storage shall be located in a secured building or bear proof container”
 - A discussion was had **held** on Mayre Flowers’ proposed performance standards with respect to maintaining the character of the district. Mark commented that there would be no one to enforce those performance standards. Environmental Health will be looking at the kitchens, sanitation and water as part of the annual re-inspection, but the County is not qualified or authorized to tell somebody that where they are living is unsafe because they do not have a building department. Terry commented that

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some trust has to be put in the businesses to do right by their employees. Monica added that if employers don't do a good job of providing appropriate housing, then they won't be able to keep their employees. Steve added that work camps will come and go and we have to be careful that we don't overreach with the performance standards that we create

- Larry Parsons was concerned about the use of the word "work camp" because it has a negative connotation. He wondered if the employers should be surveyed regarding the name. The group acknowledged the point, but concluded "work camp" makes sense to use because it is already defined by the state
- Sharon wanted to make sure that we addressed the comments from FWP. Mark explained that the comment from FWP is a "cut and paste" comment that they use every time. He believes the current setbacks for structures as defined by CALURS will be adequate
- Lexi Woods asked where employers can find the information about work camps (the application, the filing fee, the due dates) so that employers can make a decision on the work camps before we motion to add this. Terry said she will forward that information to Lexi
- Mayre asked to clarify which version of the staff report is being used. Mark commented that Monica forwarded some additional fire mitigation standards that Mark incorporated in one of the versions of the staff reports. Mark acknowledged the staff report needs some edits and updating, but confirmed that the final document will incorporate all the edits we have discussed.
- Sharon motioned to approve the work camp text amendment with the edits and additions discussed this evening. Aubrie seconded. Motion passed unanimously

- By-laws

- Last month the MCLUAC committee approved the by-laws and then they went to the Commissioners. The Commissioners were worried that the three "permanent residents" could end up being three renters and would therefore influence the committee differently than taxpayers. As a result, they added "/property owner"
- The County Attorney's review of what is currently approved by the County Commissioners is that "it's ok" along with a couple of other suggestions, which Mark will address at the beginning of the next year
- The one thing that we didn't think about with the increase in the members is the start and end date of their terms, but this is something that the committee can address next year
- If we were to revert back to the old by-laws, we would be in the same situation we are now (three residents and property owners) except with two less seats that what we have now
- Monica had two questions – (1) does the "/" that the Commissioners added mean "and" or does it mean "or"? (2) With the current list of applicants, how do we deal with the part of the by-laws where we specified that if one of the membership categories of the Committee make-up cannot be filled it cannot be filled with an individual from another category (and the seat will remain open until the following year application period)? If these applicants get approved, it will seem that we have an imbalance in business representatives over permanent residents which is different than the intent that Monica agreed on during the ad-hoc committee meetings
 - Mark confirmed the slash means "or" (because "and" is unconstitutional) and thinks we can make the change to write the word "or" out in the by-laws next year
 - Mary Tee McLelland pointed out that "or" means that someone could be a property owner but not a permanent resident
 - Jean Pinske commented that we should just ask the Commissioners what they intended by the "/"
 - Aubrie commented that the business members are also permanent residents, so the individuals who are applying are eligible for two different categories of seats
 - Mark commented that it is unconstitutional to prohibit someone from applying for the permanent resident seat just because they also own a business
- Mary Tee McLelland asked if we have to decide the terms before appointments can be made?
 - Mark will see if he can just add the terms in based on what other 5 member boards are doing

If not, the terms can be decided on ~~or~~ shortly after the first meeting of the Committee of 2021

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- Mike said the ad-hoc committee discussed not wanting the Committee to be unbalanced (i.e. all business owners or all community members). He also reminded the group that a primary goal was to get 5 people onto the Committee this year and so he recommends giving it a try for a year and change it later if we need because he thinks the MCLUAC Committee needs to focus on building up rapport with the Commissioners
- Terry said that we already voted and approved these by-laws and doesn't think it makes sense to re-hash them, so she is going to close the discussion.

New Business

- None

Discussion and Public Comments

- Monica Jungster – The Montana House will do a the Wildfire Mitigation series in Spring 2021 at the Kintla Camp, COVID depending. If it can't be held there, the NPS will offer up another location
- Monica for Mary Tee McLelland – the West Glacier Community Vision Plan is moving forward. If you are on the mailing list, the vision document will be sent out shortly

Public Attendees

Cassie Baldelli

Jean Pinske

Lee Pinske

Monica Jungster

Mike Kopitzke

Larry Parsons

Steve Frye (via phone)

Lexi Woods (via phone)

Mary Tee McLelland (via phone)

Mayre Flowers (via phone)

Adjournment 8:57 p.m.

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Any communication with the Flathead Planning and Zoning Office are subject to relevant State and Federal public record and information laws and regulations and may be disclosed without further notice to you.

How to contact the Middle Canyon Land Use Committee (MCLUAC)

All correspondence goes to the Flathead Planning Office initially. Concerns, complaints or questions should be sent to Planning.zoning@flathead.mt.gov; the office will respond within 24 hours.

Compliance complaints can be submitted by Middle Canyon residents by completing the compliant form provided online, attached to an email to the Planning.zoning@flathead.mt.gov office. Forms are also available at the Flathead County Planning and Zoning Office, 40-11th Street W, Kalispell MT

Code compliance web page:

https://flathead.mt.gov/planning_zoning/codecompliance.php

Complaint violation form:

https://flathead.mt.gov/planning_zoning/documents/ComplaintFormupdated12.19.16.pdf

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